

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

US EPA RECORDS CENTER REGION 5



515526

UNITED STATES OF AMERICA,

Plaintiff,

and

STATE OF MINNESOTA, by its
Attorney General Hubert H. Humphrey, III,
its Department of Health, and its
Pollution Control Agency,

Civil No. 4-80-469

Plaintiff-Intervenor,

v.

REILLY TAR & CHEMICAL CORPORATION;
HOUSING AND REDEVELOPMENT AUTHORITY
OF ST. LOUIS PARK; OAK PARK VILLAGE
ASSOCIATES: RUSTIC OAKS CONDOMINIUM
INC.; and PHILIP'S INVESTMENT CO.,

Defendants.

AFFIDAVIT OF
BYRON E. STARNES

and

CITY OF ST. LOUIS PARK,

Plaintiff-Intervenor,

v.

REILLY TAR & CHEMICAL CORPORATION,

Defendant.

and

CITY OF HOPKINS,

Plaintiff-Intervenor,

v.

REILLY TAR & CHEMICAL CORPORATION,

Defendant.

Byron E. Starns, being first duly sworn on oath, deposes and says as follows:

1. From April 1973 through April 1974 I was Deputy Attorney General assigned to the Minnesota Pollution Control Agency.

2. My responsibilities as Deputy Attorney General included supervision and oversight of the Special Assistant Attorneys General assigned along with me to represent the Minnesota Pollution Control Agency. In performing my oversight duties I reviewed all pleadings, briefs, settlement documents, opinion letters and significant correspondence relating to litigation and legal matters undertaken by the Attorney General for the Agency.

3. No dismissal or settlement of any litigation involving the Minnesota Pollution Control Agency would have taken place during the period April 1973 through April 1974 without my review and approval.

4. During my tenure as Deputy Attorney General assigned to the Minnesota Pollution Control Agency, it was the practice of the citizen's board to settle all litigated and contested administrative matters only at its public meetings.

5. During the period of time I served as Deputy Attorney General assigned to the Minnesota Pollution Control Agency, no

settlement of or agreement to dismiss pending litigation brought on behalf of the Agency against Reilly Tar & Chemical Corporation occurred.



Byron E. Starns

Subscribed and sworn to before me
this 15 day of April, 1983.



Notary Public

